



James Libby, Ph.D.
Senator, District 22

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

LD 1143, "An Act to Update Language on Setback Variances for Single-family Dwellings and Variances from Dimensional Standards"

Join Standing Committee on Housing and Economic Development

Public Hearing

April 15, 2025

1:00pm

Senator Curry, Representative Gere, and esteemed members of the Joint Standing Committee on Housing and Economic Development:

My name is Jim Libby; I am the State Senator representing District 22, comprised of the towns of Naples, Sebago, Baldwin, and Standish in Cumberland County; Hiram and Porter in Oxford County; and Limington, Limerick, Cornish, Parsonsfield, Newfield, Acton, and Shapleigh in the County of York.

I am proud to sponsor LD 1143, "An Act to Update Language on Setback Variances for Single-Family Dwellings and Variances from Dimensional Standards."

This bill is a modest change to current law. The language around single-family dwellings is an update in light of LD 2003 in the 130th legislature which permitted accessory dwelling units. We should update our language to reflect today's needs.

Second, this bill amends the criteria for granting a dimensional variance for a property that has at least some land in a shoreland zone. Let me be clear: this proposal does not repeal protections on shoreland areas as defined in Title 38 Section 435. This proposal allows someone, who owns a parcel of that that is part inside the shoreland zone and part outside the shoreland zone, to be eligible for a dimensional variance on the property that lies outside the shoreland zone.

In other words, under current law if Joe Baker owns 100 acres of land, 10 of which lie in a shoreland zone, the municipality cannot grant a variance on any of the 90 acres that fall outside of the zone. John Smith owns 50 acres right next to Joe's lot. His lot runs from the border of shoreland zone back to the road. The municipality could grant John a variance, at the same distance from the shore, but they could not even consider a variance for Joe's lot.

The only difference between these two properties is Joe owns 10 acres out of 100 which are shoreland. Even though Joe is requesting a variance for a structure outside of the shoreland zone, the municipality cannot consider granting one because his property lies "in part" in the shoreland zone.

My proposal would allow a town to grant a variance on land outside the shoreland zone to Joe just as they are allowed to grant a variance to John. My proposal would not allow Joe to be granted a variance on the land inside the shoreland zone.

My proposal allows a town to consistently apply the existing variance statute to land outside the shoreland zone while still maintaining protection of our shorelines.

Thank you for your time, and I am happy to take questions.